

## Memorandum

TO: Fellow Legislators  
FR: Senator Tim Grendell  
DT: January 3, 2008  
RE: Debunking the Myths of the *Plain Dealer*'s January 2, 2008 editorial about the Great Lakes Compact

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### **Myths & Facts**

#### **Plain Dealer Myths**

1. There is only a small group of people concerned about the Great Lakes Compact as currently written.
2. Enabling legislation will somehow over-ride or limit the specific language of the Compact.

#### **True Facts**

The concerns over the private property rights and state self control of its water issues have been raised and verified by legislators in Wisconsin, Pennsylvania, and Michigan, as well as by businesses in Ohio and those states. These issues also have been raised and verified by Senator Seitz and a representative of the Ohio Bar Association.

Like any contract, the express language of the Compact will over-ride any attempt to make exceptions to the Compact terms in an individual state's enabling statute approving exceptions, clarifications, or limitations to the Compact. This is a matter of simple contract law. The Council of State Governments' expert on multi-state compacts has confirmed that the Compact will supersede any state's enabling statutes.

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| 3. The Compact is necessary to prevent “larceny”- the diversion of Lake Erie water to areas outside of Ohio. | Since 1986, there has been a federal law that <u>prevents</u> such “larceny” or water diversion. Neither the Compact nor existing federal law will prevent the U.S. Congress in the future from passing a law that permits diversion.   |
| 4. Legislators that oppose the Compact as written will put Ohio’s water use at risk.                         | Just <u>the opposite is true</u> . Legislators that vote FOR the Compact as currently written are voting to give-up control of Ohio’s future use of one of Ohio’s greatest economic resources, Lake Erie water, to governors’ appointees from such liberal states as Minnesota and Wisconsin and perhaps ultimately two Canadian Provinces.   |
| 5. Not voting for the Compact as written renders a legislator unfit for public office.                       | Just <u>the opposite is true</u> . Standing firm (a) to defend <u>your</u> constituents’ private water rights, as recognized by the Ohio Supreme Court in 2006, and (b) to protect Ohio’s right to control Lake Erie water usage WITHIN Ohio demonstrate fitness as a legislator. Legislative decisions should be based on facts. Legislators in Wisconsin, Michigan, and Pennsylvania understand and have stood up for their constituents on these issues. |

### MOST IMPORTANTLY

Some SIMPLE CHANGES to the Compact can ELIMINATE the maintaining state control of its water and private water rights issues. RESPONSIBLE LEGISLATORS should support such minor changes that are necessary to protect Ohioan’s constitutional private property rights and Ohio’s economic future, so that we can move forward with a RESPONSIBLE Great Lakes Compact.

Thank you for your consideration.